

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2073

Introduced by Assembly Member ~~Mansoor~~ *Bigelow*

February 20, 2014

An act to amend Section ~~18000~~ 25608 of the Business and Professions Code, relating to ~~business~~ *alcoholic beverages*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2073, as amended, ~~Mansoor~~ *Bigelow*. ~~Microenterprise. Alcoholic beverage control: public schoolhouses.~~

Existing law generally prohibits the sale or consumption of alcoholic beverages at a public schoolhouse or any grounds thereof. Existing law provides for various exceptions to this prohibition, including an exception where the alcoholic beverage is possessed, consumed, or used during a special event held at the facilities of a public community college, as provided.

This bill would provide that the prohibition against the sale or consumption of alcoholic beverages on the grounds of a public schoolhouse does not apply if the alcoholic beverages are acquired, possessed, used, sold, or consumed pursuant to a license or permit obtained for special events held at facilities, as described, owned and operated by an educational agency, a county office of education, superintendent of schools, school district, or community college district at a time when pupils are generally not on the grounds.

~~Existing law encourages every city, county, and city and county to access microenterprise development in order to create new jobs and income opportunities for individuals of low and moderate income. Existing law encourages every city, county, and city and county to~~

include microenterprise development as a part of their economic development strategy. Existing law encourages California communities and public agencies that serve them to promote local partnerships that invest in microenterprise development.

~~This bill would make technical, nonsubstantive changes to definitions related to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25608 of the Business and Professions
2 Code is amended to read:

3 25608. (a) Every person who possesses, consumes, sells, gives,
4 or delivers to any other person, any alcoholic beverage in or on
5 any public schoolhouse or any of the grounds of the schoolhouse,
6 is guilty of a misdemeanor. This section does not, however, make
7 it unlawful for any person to acquire, possess, or use any alcoholic
8 beverage in or on any public schoolhouse, or on any grounds of
9 the schoolhouse, if any of the following applies:

10 (1) The alcoholic beverage possessed, consumed, or sold,
11 pursuant to a license obtained under this division, is wine that is
12 produced by a bonded winery owned or operated as part of an
13 instructional program in viticulture and enology.

14 (2) The alcoholic beverage is acquired, possessed, or used in
15 connection with a course of instruction given at the school and the
16 person has been authorized to acquire, possess, or use it by the
17 governing body or other administrative head of the school.

18 (3) The public schoolhouse is surplus school property and the
19 grounds of the schoolhouse are leased to a lessee that is a general
20 law city with a population of less than 50,000, or the public
21 schoolhouse is surplus school property and the grounds of the
22 schoolhouse are located in an unincorporated area and are leased
23 to a lessee that is a civic organization, and the property is to be
24 used for community center purposes and no public school education
25 is to be conducted on the property by either the lessor or the lessee
26 and the property is not being used by persons under the age of 21
27 years for recreational purposes at any time during which alcoholic
28 beverages are being sold or consumed on the premises.

1 (4) The alcoholic beverages are acquired, possessed, or used
2 during events at a college-owned or college-operated veterans
3 stadium with a capacity of over 12,000 people, located in a county
4 with a population of over 6,000,000 people. As used in this
5 paragraph, “events” mean football games sponsored by a college,
6 other than a public community college, or other events sponsored
7 by noncollege groups.

8 (5) The alcoholic beverages are acquired, possessed, or used
9 during an event not sponsored by any college at a performing arts
10 facility built on property owned by a community college district
11 and leased to a nonprofit organization that is a public benefit
12 corporation formed under Part 2 (commencing with Section 5110)
13 of Division 2 of Title 1 of the Corporations Code. As used in this
14 paragraph, “performing arts facility” means an auditorium with
15 more than 300 permanent seats.

16 (6) The alcoholic beverage is wine for sacramental or other
17 religious purposes and is used only during authorized religious
18 services held on or before January 1, 1995.

19 (7) The alcoholic beverages are acquired, possessed, or used
20 during an event at a community center owned by a community
21 services district or a city and the event is not held at a time when
22 students are attending a public school-sponsored activity at the
23 center.

24 (8) The alcoholic beverage is wine that is acquired, possessed,
25 or used during an event sponsored by a community college district
26 or an organization operated for the benefit of the community
27 college district where the college district maintains both an
28 instructional program in viticulture on no less than five acres of
29 land owned by the district and an instructional program in enology,
30 which includes sales and marketing.

31 (9) The alcoholic beverage is acquired, possessed, or used at a
32 professional minor league baseball game conducted at the stadium
33 of a community college located in a county with a population of
34 less than 250,000 inhabitants, and the baseball game is conducted
35 pursuant to a contract between the community college district and
36 a professional sports organization.

37 (10) The alcoholic beverages are acquired, possessed, or used
38 during events at a college-owned or college-operated stadium or
39 other facility. As used in this paragraph, “events” means fundraisers
40 held to benefit a nonprofit corporation that has obtained a license

1 pursuant to this division for the event. “Events” does not include
2 football games or other athletic contests sponsored by any college
3 or public community college. This paragraph shall not apply to
4 any public education facility in which any grade from kindergarten
5 to grade 12, inclusive, is schooled.

6 (11) The alcoholic beverages are possessed, consumed, or sold,
7 pursuant to a license, permit, or authorization obtained under this
8 division, for an event held at an overnight retreat facility owned
9 and operated by a county office of education or a school district
10 at times when pupils are not on the grounds.

11 (12) The grounds of the public schoolhouse on which the
12 alcoholic beverage is acquired, possessed, used, or consumed is
13 property that has been developed and is used for residential
14 facilities or housing that is offered for rent, lease, or sale
15 exclusively to faculty or staff of a public school or community
16 college.

17 (13) The grounds of a public schoolhouse on which the alcoholic
18 beverage is acquired, possessed, used, or consumed is property of
19 a community college that is leased, licensed, or otherwise provided
20 for use as a water conservation demonstration garden and
21 community passive recreation resource by a joint powers agency
22 comprised of public agencies, including the community college,
23 and the event at which the alcoholic beverage is acquired,
24 possessed, used, or consumed is conducted pursuant to a written
25 policy adopted by the governing body of the joint powers agency
26 and no public funds are used for the purchase or provision of the
27 alcoholic beverage.

28 (14) The alcoholic beverage is beer or wine acquired, possessed,
29 used, sold, or consumed only in connection with a course of
30 instruction, sponsored dinner, or meal demonstration given as part
31 of a culinary arts program at a campus of a California community
32 college and the person has been authorized to acquire, possess,
33 use, sell, or consume the beer or wine by the governing body or
34 other administrative head of the school.

35 (15) The alcoholic beverages are possessed, consumed, or sold,
36 pursuant to a license or permit obtained under this division for
37 special events held at the facilities of a public community college
38 during the special event. As used in this paragraph, “special event”
39 means events that are held with the permission of the governing
40 board of the community college district that are festivals, shows,

1 private parties, concerts, theatrical productions, and other events
2 held on the premises of the public community college and for
3 which the principal attendees are members of the general public
4 or invited guests and not students of the public community college.

5 (16) The alcoholic beverages are acquired, possessed, or used
6 during an event at a community college-owned facility in which
7 any grade from kindergarten to grade 12, inclusive, is schooled,
8 if the event is held at a time when students in any grades from
9 kindergarten to grade 12, inclusive, are not present at the facility.
10 As used in this paragraph, "events" include fundraisers held to
11 benefit a nonprofit corporation that has obtained a license pursuant
12 to this division for the event.

13 (17) *The alcoholic beverages are acquired, possessed, used, or*
14 *consumed pursuant to a license or permit obtained under this*
15 *division for special events held at facilities owned and operated*
16 *by an educational agency, a county office of education,*
17 *superintendent of schools, school district, or community college*
18 *district at a time when pupils are generally not on the grounds.*
19 *As used in this paragraph, "facilities" includes, but are not limited*
20 *to, office complexes, conference centers, or retreat facilities.*

21 (b) Any person convicted of a violation of this section shall, in
22 addition to the penalty imposed for the misdemeanor, be barred
23 from having or receiving any privilege of the use of public school
24 property which is accorded by Article 2 (commencing with Section
25 82537) of Chapter 8 of Part 49 of Division 7 of Title 3 the
26 Education Code.

27 ~~SECTION 1. Section 18000 of the Business and Professions~~
28 ~~Code is amended to read:~~

29 ~~18000. (a) (1) For the purposes of this part, "microenterprise"~~
30 ~~means a sole proprietorship, partnership, or corporation that meets~~
31 ~~all of the following requirements:~~

- 32 ~~(A) Has fewer than five employees, including the owner.~~
33 ~~(B) Has employees who are part-time or full-time.~~
34 ~~(C) Generally lacks access to conventional loans, equity, or~~
35 ~~other banking services.~~

36 ~~(2) Microenterprises are distinct from small businesses or~~
37 ~~microbusinesses and include, but are not limited to, businesses~~
38 ~~that provide child development services, businesses that provide~~
39 ~~landscaping services, businesses that provide building maintenance,~~

1 ~~businesses that provide personal and business services, businesses~~
2 ~~that provide specialty food products, and home-based businesses.~~
3 ~~(b) For the purposes of this part, “microenterprise development~~
4 ~~provider” means a nonprofit or public agency that provides~~
5 ~~self-employment training, technical assistance, and access to~~
6 ~~microloans to individuals seeking to become self-employed or to~~
7 ~~expand their current business.~~

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